

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL M. MILLER,

Plaintiff,

v.

Case No. 10-C-0876

DAVID A. CLARKE,

Defendant.

ORDER DENYING MOTION FOR RECONSIDERATION

On October 6, 2010, Michael M. Miller filed a petition pursuant to 42 U.S.C. § 1983, alleging that his civil rights were violated. He is currently incarcerated at Waupun Correctional Facility. In a screening order, I dismissed Miller's claims. (Order of October 12, 2010.) Miller has filed a motion for reconsideration, asking the Court to revisit its dismissal of his case.

A motion for reconsideration serves a very limited purpose in federal civil litigation; it should be used only "to correct manifest errors of law or fact or to present newly discovered evidence." *Rothwell Cotton Co. v. Rosenthal & Co.*, 827 F.2d 246, 251 (7th Cir. 1987) (quoting *Keene Corp. v. Int'l Fidelity Ins. Co.*, 561 F. Supp. 656, 665-66 (N.D. Ill. 1976), *aff'd* 736 F.2d 388 (7th Cir. 1984)). "A 'manifest error' is not demonstrated by the disappointment of the losing party. It is the 'wholesale disregard, misapplication, or failure to recognize controlling precedent.'" *Oto v. Metro. Life Ins. Co.*, 224 F.3d 601, 606 (7th Cir. 2000) (quoting *Sedrak v. Callahan*, 987 F. Supp.

1063, 1069 (N.D. Ill. 1997)). Such motions are disfavored and should be “rare.” *Bank of Waunakee v. Rochester Cheese Sales, Inc.*, 906 F.2d 1185, 1191 (7th Cir. 1990).

Miller’s motion for reconsideration contains no new evidence and points to no new controlling law. Miller’s brief reiterates his earlier arguments and cites cases that were available at the time he filed his lawsuit. (Mot. for Recons. at 1-3.) The cases Miller cites in his motion do not alter the analysis or outcome of my prior order.

IT IS THEREFORE ORDERED that petitioner’s motion for reconsideration is **DENIED**.

Dated this 26th day of October, 2010.

s/ William C. Griesbach
William C. Griesbach
United States District Judge